

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN DIVISION

PATRICIA MONTGOMERY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.
	)	
	)	
PRESSLER & PRESSLER, LLP	)	
	)	
Defendant,	)	

**VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL**

PATRICIA MONTGOMERY, ("Plaintiff"), through the undersigned counsel, DANIEL P. HARTSTEIN, alleges the following against PRESSLER & PRESSLER, LLP, ("Defendant"):

**INTRODUCTION**

1. This is an action for actual and statutory damages brought by Plaintiff, Patricia Montgomery, an individual consumer, against Defendant, Pressler & Pressler, LLP, for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

**JURISDICTION**

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant transacts business here.

PARTIES

3. Plaintiff, Patricia Montgomery, is a natural person with a permanent residence in Springfield, Burlington County, New Jersey, 07081.

4. Upon information and belief the Defendant, Pressler & Pressler, LLP, is a partnership engaged in the business of collecting debt in this state and in several other states, with its principal place of business in this District located at 7 Entin Road, Parsippany, Morris County, New Jersey, 07054-9944. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Upon information and belief, Defendant began placing collection calls to Plaintiff in or before December of 2010.

7. The debt Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

8. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, stated to Plaintiff, “we can garnish a minimum of \$125 a week from your pay.”

9. Upon information and belief, Defendant needs court approval on the amount to be garnished.

10. Upon information and belief, Plaintiff and Defendant enter into an written agreement where Plaintiff would pay Defendant \$55 a month towards the alleged debt.

11. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, stated to Plaintiff that they wanted a minimum of \$250 a month, not the \$55 a month that was agreed to in writing.

12. On May 25, 2011, Defendant, in connection with the collection of an alleged debt, stated to Plaintiff, "We're sending out a letter today to begin garnishing you wages.

#### CLAIM FOR RELIEF

13. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

14. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:

- (a) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of an alleged debt; and
- (b) Defendant violated §1692e of the FDCPA by using a false, deceptive, or misleading representation or means in connection with the collection of the alleged debt; and
- (c) Defendant violated §1692e(4) of the FDCPA by giving the false representation or implication that nonpayment of the alleged debt will result in the garnishment of wages of any when such action is unlawful and the Defendant or alleged creditor does not intend to take such action; and
- (d) Defendant violated §1692e(5) of the FDCPA by threatening to take action that the Defendant does not intend to take and/or the Defendant cannot legally take; and

(e) Defendant violated §1692e(10) of the FDCPA by using false representation or deceptive means in connection with the collection the alleged debt; and

(f) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt.

15. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

16. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff, Patricia Montgomery, for declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff PATRICIA MONTGOMERY respectfully requests that judgment be entered against Defendant, PRESSLER & PRESSLER, LLP, for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA.
- B. Actual damages.
- C. Statutory damages pursuant to 15 U.S.C. § 1692k.
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
- E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law.
- F. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, Patricia Montgomery, demands trial by jury in this action.

[ELECTRONIC SIGNATURE AFFIXED ON FOLLOWING PAGE]

This 8<sup>th</sup> day of July, 2011

/s/ Daniel P. Hartstein

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